



# UNITED STATES PATENT AND TRADEMARK OFFICE

W

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,126	12/11/2001	Laurence W. Davies	26998-241837	4751

25764 7590 03/26/2004

FAEGRE & BENSON LLP  
2200 WELLS FARGO CENTER  
90 SOUTH 7TH STREET  
MINNEAPOLIS, MN 55402

EXAMINER
----------

TORRES VELAZQUEZ, NORCA LIZ

ART UNIT	PAPER NUMBER
----------	--------------

1771

DATE MAILED: 03/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/015,126

Applicant(s)

DAVIES ET AL.

Examiner

Norca L. Torres-Velazquez

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 02/05/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments and amendments filed December 15, 2003 have been fully considered but they are not persuasive.

a. Applicants argue that HARAGUCHI is directed to a reinforcing material for a molded article and that there is no teaching or disclosure that the reinforcing material was suitable for use in a pultruded article such as in the BEALL reference.

It is the Examiner's position that both references teach a same type of reinforcing article and it is noted that pultrusion is known in the art as a molding technique, the prior art also refers to pultrusion as an essentially continuous molding process, as it is evidenced by prior art such as HOTA et al. (US 6,591,567 B2) and MARSHALL et al. (US 6,011,087). Therefore, the Examiner states that the references are analogous art and the Haraguchi reference is not limiting the molding to a static process, or at least is not precluding pultrusion as a type of molding.

b. Applicants further argue that if BEALL is the primary reference, the rejection also fails because BEALL specifically teaches the use of a cellulosic mat to reduce the glass content in the resulting pultruded part and that by adding the claimed reinforcing fibers transverse to the longitudinal rovings is inapposite to the stated purpose of BEALL. Applicants conclude that consequently, BEALL teaches away from the combination of Beall in view of Haraguchi.

It is noted that the reinforcing filaments of Haraguchi are not limited to glass fibers, the reference also teaches reinforcing filaments such as carbon fibers and aramid fibers. (Column 4, lines 57-63)

- c. With regards to the provisional obviousness-type double patenting rejection of claims 1-47 and 55-56 over claims 1-76 of co-pending application 10/015,106; the rejection is maintained regardless of the date they were filed.
2. The rejection of claim 55 under 35 U.S.C. 112(2) has been withdrawn in view of amendment.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-8, 11-13, 22-29, 35, 48, 51-54, 56-61, and 64-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over HARAGUCHI et al. (US 5,286,553) in view of BEALL (US 4,983,453) as stated in previous action.
6. Claims 9-10 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over HARAGUCHI et al. as applied to claims 1-9, 13-15, 26-27, 30-31, 37, 60, 64 and 66 above, and further in view of MARTIN et al. (US 6,080,482) as stated in previous action.
7. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over HARAGUCHI et al. as applied to claims 1-9, 13-15, 26-27, 30-31, 37, 60, 64 and 66 above, and further in view of SHANNON (US 4,278,720) as stated in previous action.
7. Claims 14-15, 32-34, 36-47 and 62-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over HARAGUCHI et al. as applied to claims 1-9, 13-15, 26-27, 30-31, 37, 60, 64 and 66 above, and further in view of VANE (US 5,055,242) as stated in previous action.

Art Unit: 1771

8. Claims 18-23 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over HARAGUCHI et al. as applied to claims 1-9, 13-15, 26-27, 30-31, 37, 60, 64 and 66 above, and further in view of BEER et al. (US 5,910,458) as stated in previous action.

9. Claims 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over HARAGUCHI et al. and BEALL as applied to claims 1-8, 11-13, 24-25, 28-29, 35, 48, 51-54, 60-61, and 64-66 above, and further in view of HEIKKILA et al. (US 5,585,155) as stated in previous action.

### ***Double Patenting***

10. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

11. Claims 1-47 and 55-66 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-76 of copending Application No. 10/015,106 in view of BEALL (US 4,983,453) as stated in previous action.

**12. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO


Art Unit: 1771

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norca L. Torres-Velazquez whose telephone number is 571-272-1484. The examiner can normally be reached on Monday-Thursday 8:00-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Norca L. Torres-Velazquez  
Examiner  
Art Unit 1771

March 22, 2004

  
ELIZABETH M. COLE  
PRIMARY EXAMINER